

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MITCHELL G. ZIMMERMAN,

Plaintiff,

v.

Case No. 24-C-871

KEVIN A. CARR, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Mitchell G. Zimmerman, who is representing himself, is proceeding on a First Amendment, Eighth Amendment, and Religious Land Use and Institutionalized Persons Act (RLUIPA) claim against Department of Corrections Secretary Kevin Carr, Department of Adult Institutions Administrator Sarah Cooper, and Warden Christopher Stevens in connection with allegations of overcrowding and significant limitation of outdoor recreation time/physical movement at the Green Bay Correctional Institution since 2021. Dkt. Nos. 10 & 11. Discovery closes June 3, 2025; and dispositive motions on the merits are due July 3, 2025. Dkt. No. 18.


On February 27, 2025, Defendants filed a motion for partial summary judgment on exhaustion grounds. Dkt. No. 20. Defendants contend that Plaintiff did not submit any inmate complaints regarding his First Amendment and RLUIPA claims. Dkt. Nos. 20-23. On March 11, 2024, Plaintiff filed a “motion to voluntarily dismiss First Amendment and RLUIPA claims.” Dkt. No. 25. Plaintiff explains that, after reviewing the relevant law and his filings, he agrees that his inmate complaint did not put the institution on notice of the First Amendment and RLUIPA claims. *Id.* He states that the Court “can grant Defendants’ summary judgment on exhaustion grounds.”

Id. Accordingly, the Court will grant Defendants' motion for partial summary judgment as unopposed, grant Plaintiff's motion, and dismiss the First Amendment and RLUIPA claims from this case.

IT IS THEREFORE ORDERED that Defendants' motion for partial summary judgment on exhaustion grounds (Dkt. No. 20) is **GRANTED**; and the First Amendment and RLUIPA claims are **DISMISSED** from this case without prejudice.

IT IS FURTHER ORDERED that Plaintiff's motion to voluntarily dismiss the First Amendment and RLUIPA claims (Dkt. No. 25) is **GRANTED**.

Dated at Green Bay, Wisconsin this 13th day of March, 2025.



William C. Griesbach
United States District Judge